

1 ALAN KORN, SBN 167933
2 LAW OFFICE OF ALAN KORN
3 1840 Woolsey Street
Berkeley, California 94703
4 Ph. (510) 548-7300
Fax: (510) 540-4821

5 *Attorney for Plaintiffs Penelope Houston, James Wilsey,
Daniel O'Brien and Greg Ingraham*

6
7 RICHARD J. IDELL, ESQ. (SBN 069033)
ORY SANDEL, ESQ. (SBN 233204)
8 IDELL & SEITEL LLP
465 California Street, Suite 300
9 San Francisco, CA 94104
Telephone: (415) 986-2400
10 Facsimile: (415) 392-9259

11 ANTHONY R. BERMAN, ESQ. (SBN 160634)
12 BERMAN ENTERTAINMENT AND TECHNOLOGY LAW
235 Montgomery St., Ste 760
13 San Francisco, CA 94104
Telephone: (415) 816-9623
14 Facsimile: (415) 421-2355

15 *Attorneys for Defendant David Ferguson*

16
17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**

19 PENELOPE HOUSTON, an individual, GREG) **Case No. C10-01881 JSW**
20 INGRAHAM, an individual, JAMES)
21 WILSEY, an individual, and DANIEL) **STIPULATION AND [PROPOSED]**
O'BRIEN, an individual,) **ORDER RE: SEVENTH EXTENSION**
22 Plaintiffs,) **OF TIME TO FILE RESPONSE TO**
) **SECOND AMENDED COMPLAINT**
23 v.)
24 DAVID FERGUSON, an individual dba CD) **Hon. Jeffrey S. White, Presiding**
PRESENTS, BURIED TREASURE MUSIC)
25 and ANARCHY ANTHEMS; BURIED)
26 TREASURE MUSIC, BURIED TREASURE)
INC., a Corporation of unknown jurisdiction;)
27 INDEPENDENT ONLINE DISTRIBUTION)
ALLIANCE, INC., a California Corporation;)
28)
)

1 TUNECORE, INC., a Delaware Corporation;)
2 and RHAPSODY INTERNATIONAL, INC., a)
3 Delaware Corporation,)
Defendants.)

5 Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Rule 6-1(a) of the Civil
6 Local Rules of the United States District Court, Northern District of California, Plaintiffs
7 PENELOPE HOUSTON, an individual, GREG INGRAHAM, an individual, JAMES WILSEY, an
8 individual, and DANIEL O'BRIEN, an individual (collectively, "Plaintiffs"), on the one hand, and
9 Defendant DAVID FERGUSON, an individual ("Defendant"), on the other hand, hereby agree and
10 stipulate as follows:

11 WHEREAS, Plaintiffs filed a Second Amended Complaint on January 21, 2011; and

12 WHEREAS, Plaintiff and Defendant Ferguson previously stipulated, and this Court
13 ordered on April 29, 2011, that Defendant Ferguson's response to the Second Amended Complaint
14 is due by May 23, 2011; and

15 WHEREAS, this is the seventh request for extension of the date by which Defendant shall
16 file a responsive pleading; and

17 WHEREAS, the parties are actively engaged in settlement discussions and negotiation of a
18 settlement agreement in an attempt to resolve their dispute; and

19 WHEREAS, Rule 6-1(a) of the Civil Local Rules of the United States District Court,
20 Northern District of California, permits the parties to extend the time within which to answer or
21 otherwise respond to a complaint by stipulation in writing and without a Court order, provided the
22 change will not alter the date of any event or any deadline already fixed by Court order; and

23 WHEREAS, Plaintiffs and Defendant agree that the extension of time for Defendant to file
24 a responsive pleading to the Second Amended Complaint will not alter the date of any event or any
25 deadline already fixed by Court order; and

26 WHEREAS, Plaintiffs and Defendant agree that the date by which Defendant shall file a
27 responsive pleading should be extended to June 13, 2011, to allow the parties time to discuss
28 settlement and complete the settlement agreement;

1 NOW THEREFORE, Plaintiffs and Defendant, by and through their respective
2 undersigned counsel, hereby stipulate as follows:

3 1. The time for Defendant David Ferguson to file a responsive pleading to the Second
4 Amended Complaint shall be extended to and including June 13, 2011;

5 SO STIPULATED.

6
7 Dated: May 23, 2011

LAW OFFICE OF ALAN KORN

8 By: /Alan Korn/
9 Alan Korn
10 *Attorneys for Plaintiffs*
11 *PENELOPE HOUSTON, GREG INGRAHAM,*
12 *JAMES WILSEY and DANIEL O'BRIEN*

13 Dated: May 23, 2011

IDELL & SEITEL LLP

14 By: /Richard J. Idell/
15 Richard J. Idell
16 *Attorneys for Defendant DAVID FERGUSON*

17 **ATTESTATION OF CONCURRENCE**

18 I, Richard J. Idell, as the ECF user and filer of this document, attest that, pursuant to
19 General Order No. 45(X)(B), concurrence in the filing of this document has been obtained from
20 Alan Korn, the above signatory.

21 Dated: May 23, 2011

By: /Richard J. Idell/
22 Richard J. Idell

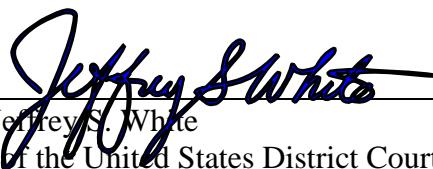
23 **PROPOSED ORDER**

24 PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:

25 1. Defendant David Ferguson shall file a responsive pleading to the Second Amended
26 Complaint no later than June 13, 2011.

27 **IT IS SO ORDERED.**

28 Dated: May 23, 2011


Hon. Jeffrey S. White
Judge of the United States District Court
Northern District of California